

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JEFFREY W.,

No. 2:18-cv-00345-HZ

Plaintiff,

ORDER

v.

COMMISSIONER, SOCIAL  
SECURITY ADMINISTRATION,

Defendant.

HERNÁNDEZ, District Judge:

Plaintiff Jeffrey W. brought this action seeking review of the Commissioner's final decision to deny Supplemental Security Income. On August 31, 2019, the Court reversed the Commissioner's decision and ordered that the case be remanded for additional proceedings. Op. & Order, ECF 21. Judgment was also entered on August 31, 2019. J., ECF 22. On July 26, 2024, Plaintiff's counsel received notice of Plaintiff's award for benefits. Pl. Mot. Ex. B-1, ECF 25-3.

Plaintiff now seeks an award of fees of \$19,600 pursuant to 42 U.S.C. § 406(b). Pl. Mot., ECF 25. Defendant has no objection to the request. *Id.* The Court has reviewed the record in the

case, the motion, and the supporting materials including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds the requested fees reasonable.

The Court GRANTS the motion [25] and awards Plaintiff's counsel \$19,600 in attorney's fees under 42 U.S.C. § 406(b). Previously, the Court awarded Plaintiff attorney's fees in the amount of \$6,560 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. However, neither Plaintiff nor his counsel have received the balance of the EAJA fee award. Should Plaintiff's counsel receive the balance of the EAJA fees after any outstanding federal debt is paid, counsel will refund the balance of any EAJA fees to Plaintiff. In addition, any amount withheld after all administrative and court attorney's fees are paid should be released to Plaintiff.

IT IS SO ORDERED.

DATED: August 10, 2024.

  
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MARCO A. HERNÁNDEZ  
United States District Judge